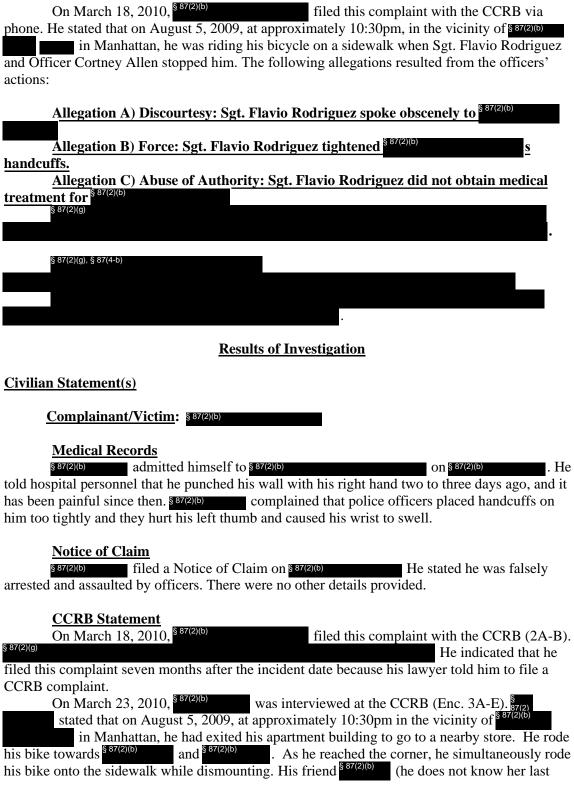
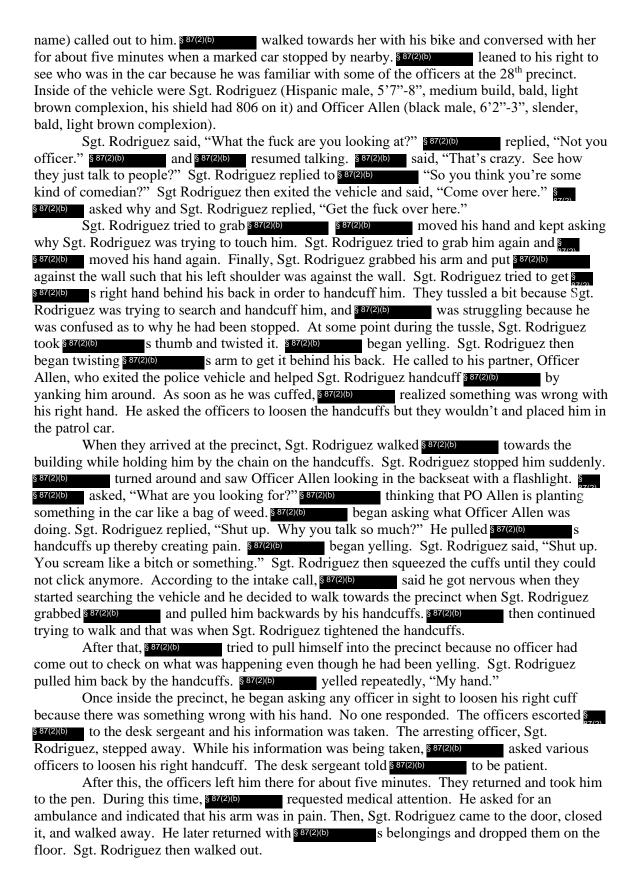
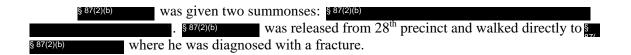
# CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	<b>7</b>	Force	$\overline{\mathbf{V}}$	Discourt.		U.S.
John Cody		Team # 3	201003603		Abuse		O.L.	$\checkmark$	Injury
Incident Date(s)		Location of Incident:		Pr	ecinct:	18	Mo. SOL	Τ	EO SOL
Wednesday, 08/05/2009 10:30 PM		§ 87(2)(b)		**	28		/5/2011	1	2/5/2011
Date/Time CV Reported		CV Reported At:	How CV Reported:	 			ived at CC		
Thu, 03/18/2010 11:54 AM		CCRB	Phone		Γhu, 03/18	3/2010	11:54 AM	1	
Complainant/Victim	Type	Home Addre	ess						
Witness(es)		Home Addre	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. SGT Flavio Rodriguez	00806	924407	028 PCT						
Witness Officer(s)	Shield N	o Tax No	Cmd Name						
1. POM Cortney Allen	17212	921114	028 PCT						
2. SGT Robert Crespo	03532	932499	028 PCT						
3. POM Edmund Rumman	31806	931117	028 PCT						
Officer(s)	Allegatio	on			Inve	stiga	tor Recor	nm	endation
A.SGT Flavio Rodriguez	Discourte § 87(2)(b)	esy: Sgt. Flavio Rodrigu	ez spoke obscenely	to					
B.SGT Flavio Rodriguez	Force: Sg § 87(2)(b)	gt. Flavio Rodriguez tigh	ntly handcuffed						
C.SGT Flavio Rodriguez		gt. Flavio Rodriguez dio t for <sup>§ 87(2)(b)</sup>	d not obtain medical						
§ 87(2)(g), § 87(4-b)									

# **Case Summary**







# **Attempts to Contact Civilians**

provided a number for \$87(2)(b) but did not know her last name. She was called three times between May 26, 2010, and August 10, 2010. Her number was disconnected the first two times and the third time a female picked up who said she was not \$87(2)(b)

# **NYPD Statement(s):**

# Subject Officer: SGT. FLAVIO RODRIGUEZ

- Sgt. Rodriguez is a Hispanic male, 5'6", 170 pounds with a bald head and brown eyes.
- On August 5, 2009, he was working in uniform from 2:50pm until 11:47pm with Officer Allen doing sector patrol in a marked vehicle.

# Memo-Book

Sgt. Rodriguez did not have any memo-book entries regarding this incident (Enc. 6A-B).

# **CCRB Statement**

Sgt. Flavio Rodriguez, of the 28<sup>th</sup> Precinct, was interviewed at the CCRB on July 29, 2010 (Enc. 7A-B). Sgt. Rodriguez did not recall this incident. Sgt. Rodriguez was shown the command log with \$87(2)(5) sentry that indicated he was the supervising officer who approved the entry, but Sgt. Rodriguez still did not recall the incident, saying it happened nearly a year ago. However, Sgt. Rodriguez acknowledged that if he approved the arrest than he was involved with the arrest of \$87(2)(5) Sgt. Rodriguez said if they had had to use physical force on \$87(2)(5) he would have recalled the incident. However, he did not recall whether they used force to take \$87(2)(5) into custody. He never directed any profanity at \$87(2)(5) sentre has because he does not use profanity. Sgt. Rodriguez never tightened \$87(2)(5) sentre handcuffs at any point. Sgt. Rodriguez only makes memo-book entries for something "major" and would not make a memo-book entry for the issuance of a summons. Sgt. Rodriguez was given a brief description of the incident, but still did not recall it.

# **Witness Officer: PO CORTNEY ALLEN**

- Officer Allen is a black male, 6'1", 195 pounds with a bald head and brown eyes.
- On August 5, 2009, he was working in uniform from 5:30pm until 2:05am with Sgt. Flavio Rodriguez doing patrol in a marked vehicle.

# Memo-Book

Officer Allen's memo-book stated, "2255: Pickup for \$87(2)(b) in f/o in f/o (b) 2 C-summonses issued."

#### **CCRB Statement**

Officer Cortney Allen, of the 28<sup>th</sup> Precinct, was interviewed at the CCRB on August 4, 2010 (Enc. 5A-B). Officer Allen initially provided testimony for one incident, but upon reviewing his memo-book realized he provided testimony for a different incident § 37(2)(b)

# Page 4 CCRB Case # 201003603

Officer Allen stat	ted he could not clearly recall the	incident in question, bu	t believed they
observed § 87(2)(b)	riding his bicycle on a sidewall	k. He could not recall w	ny § 87(2)(b)
was issued a § 87(2)(b)	summons, but believe	d § 87(2)(b) and the	officers
"exchanged" some w	ords or § 87(2)(b) began acting	g up upon hearing he wa	as going to receive a
summons. He said tha	at § 87(2)(b) was brought the p	precinct but he did not re	ecall who
handcuffed him or ho	w they handcuffed him. Officer A	Allen said they never us	ed any profanity
towards § 87(2)(b)	at any point. Officer Allen said t	hat Sgt. Rodriguez neve	er tightened
§ 87(2)(b) s handcuffs	and he never heard § 87(2)(b)	yelling outside the prec	inct. Once at the
precinct, Officer Alle	n issued two summonses to § 87(2)(t	he believed on	e was for § 87(2)(b)
	and the other was for § 87(2)(b)	. § 87(2)(b)	was then released.
§ 87(2)(b) did not	request to go to the hospital.		=

# Witness Officer: PO EDMUND RUMMAN

- Officer Rumman is a white male, 5'10", 170 pounds with black hair and brown eyes.
- On August 5, 2009, Officer Rumman worked in uniform from 3:00pm until 11:23pm as the cell attendant.

# **CCRB Statement**

On August 13, 2010, Officer Edmund Rumman was interviewed at the CCRB (Enc. 10A-B). He stated on the incident date he was working in the second set of cells where prisoners, once they are processed, are brought back to him for transport to Central Booking. Upon reviewing the holding pen roster, he indicated that since was issued a summons he would most likely have had no interaction with him. Officer Rumman never recalled any prisoners complaining of any pain or requesting medical treatment. He did not recall seeing \$87(2)(6)

# Witness Officer: SGT. ROBERT CRESPO

- Sgt. Crespo is a white male, 5'7", 215 pounds with black hair and blue eyes.
- On August 5, 2010, Sgt. Crespo worked in uniform from 2:50pm until 11:47pm as the desk officer.

#### Memo-Book

Sgt. Crespo did not have any memo-book entry regarding this incident (Enc. 8A-B).

# **CCRB Statement**

On August 13, 2010, Sgt. Robert Crespo was interviewed at the CCRB (Enc. 9A-B). He stated he did not recall this incident. He knows both Sgt. Rodriguez and Officer Allen and knows they used to work together. He was given a description of the incident but he did not recall He did say that if someone requested medical attention an ambulance would be requested and that person would be transported to the hospital, as that is the procedure. Sgt. Crespo said it was possible he walked away for a break while Rodriguez was brought to the desk. Sgt. Crespo stated that he can see into the cells from his desk but he did not recall Sgt. Rodriguez or Officer Allen having any problems with any prisoners that night. He said many prisoners do however complain about handcuffs being too tight.

# **Medical Records**

(Enc. 11A-J1). \$87(2)(b) was given X-rays of his arms and was given a splint for a scapholunate dissaociated and ulnar styloid injury to his right wrist. He was positive for a wrist fracture. The report noted that this fracture was likely produced from his action of punching a

Page 5 **CCRB Case # 201003603** 

to his wrists. **NYPD Document(s)** The command log is enclosed and notes that \$87(2)(b) was released with two summonses (Enc. 13A-C). It also notes Sgt. Rodriguez as the officer who supervised the arrest of The holding pen roster is enclosed (Enc. 12A-C). The roll call lists Sgt. Crespo working as the desk officer and Officer Rumman as the cell attendant (Enc. 14A-J). **Summons/Arrest for Incident and Disposition** [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] **Status of Civil Proceedings** § 87(2)(b) filed a Notice of Claim with the City of New York or § 87(2)(b) claiming he was assaulted by officers and falsely arrested and seeking an unknown sum as redress (Enc. 16A-C). **Civilian(s) Criminal History** [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] Civilian(s) CCRB History This is the first CCRB complaint filed by \$87(2)(b) (Enc. 1A-C). **Subject Officer(s) CCRB History** • Sgt. Flavio Rodriguez has been a member of the service for 11 years and there are no substantiated CCRB allegations against him (Enc. 1A-C). Conclusion **Identification of Subject Officer(s)** indicated that a sergeant whose shield number matched Sgt. Rodriguez's shield number, was the officer he interacted with. Sgt. Rodriguez acknowledged that since he was the supervisor who authorized this arrest, he was involved in this incident. Officer Allen, who issued both summonses to 887(2)(b) indicated that he was on patrol with Sgt. Rodriguez. § 87(2)(g) **Investigative Findings and Recommendations** Allegations Not Pleaded

wall. The report indicated that he had an older fracture on his left wrist. The report noted swelling

Page 6 **CCRB Case # 201003603** 

Allegation A) Discourtesy: Sgt. Flavio Rodriguez spoke obscenely to \$87(2)(5)
Sgt. Rodriguez stated he did not recall this incident while Officer Allen indicated he recalled very little of it. Officer Allen initially provided testimony regarding a different but similar incident that occurred that day, but upon reviewing his memo-book, said that the stopped because he was riding his bicycle on his sidewalk but he was not sure why a summons was issued. §87(2)(6)
Allegation B) Force: Sgt. Flavio Rodriguez tightened \$87(2)(b)  S87(2)(b)  alleged that Sgt. Rodriguez tightened his handcuffs on the way inside the precinct. \$87(2)(g)
Allegation C) Abuse of Authority: Sgt. Flavio Rodriguez did not obtain medical treatment for \$87(2)(b) stated that he asked Sgt. Rodriguez to go to the hospital, to which Sgt. Rodriguez ignored him. Both Sgt. Crespo, the desk officer that night, and Officer Rumman, the cell attendant, were interviewed, but neither recalled \$87(2)(b) Sgt. Rodriguez and Officer Allen denied that \$87(2)(b) requested medical attention. \$87(2)(c)
§ 87(2)(g), § 87(4-b)

Page 7 CCRB Case # 201003603

Team:		:
Investigator:Signature	Print	Date
Supervisor: Title/Signature	Print	 Date
Reviewer:Title/Signature	Print	Date
Reviewer: Title/Signature	Print	Date